

### Remarks

Claims 12-16, 18-22, 31-36, 41 and 42 are currently pending and stand rejected under 35 USC §102(e) and 35 USC §103(a). Claims 17-22, 31-36 and 41-42 were previously allowed, but the allowance has been withdrawn in view of newly discovered references. Claims 12, 31 and 41 have been amended. No new matter has been added. Applicants assert that the claims are in condition for allowance as set forth more fully below and request that the notice of allowance be reinstated.

### Interview Summary

A phone interview was held on February 9<sup>th</sup> with the Examiner and his supervisor. During the interview it was discussed that the Mauger reference failed to teach the use of a second “policy” in an MPLS system. Mauger merely conducted a go-no go test based on the MPLS ability to pass the traffic while maintaining a predetermined quality of service (QoS). If the Mauger system could not maintain the QoS then the traffic was rejected. On the other hand, according to exemplary embodiments of the present application, the label switch paths are created, deleted and/or modified in response to a traffic input in order to handle the traffic. The Examiner thought that the term policy was merely broad and could be construed to have a first policy being “pass traffic” and a second policy to “not pass traffic”. The Examiner suggested refining the term “policy” in the independent claims and resubmit in writing. The Examiner’s SPE offered a call after reviewing our amendments prior to sending a follow on Office Action if there was any further concern.

Independent claim 12 was also discussed in light of the 103 rejections against the Kung reference. It was suggested that the claim be clarified by adding “policy” related elements.

### 102 Rejections

Claims 31-33, 35, 36, 41 and 42 stand rejected under 35 USC §102(e) and being anticipated by Mauger (U.S. Pat. 6,778,494). Applicants respectfully traverse these rejections.

Amended independent claims 31 and 41 each recite similar elements. As a representative sample, claim 31 recites in pertinent part,

“[a] method of operating a label switching network with policy based management, the method comprising...a first policy, wherein a policy is one of an admission policy and a life cycle policy wherein further an admission policy maps packet traffic flows onto one or more label switched paths within the label switching network and a life cycle policy creates, deletes...the one or more label switched paths within the label switching network...receiving a control input, selecting a second policy based at least in part on the control input, the second policy being different from the first policy and operating at least the portion of the label switching network based at least in part on the second policy”.

The Office Action relies upon its citation in Column 5 (lines 53-65) for its current rejection asserting that Mauger discloses operating at least a “portion of the label switching network based at least in part on the *second* policy upon receiving a control input”. However, the teaching of Mauger is contrary to the recitations. Mauger is disclosing a single logic decision that when a call (i.e. control input) is received, such as a new traffic stream, the call is rejected when the tunnel bandwidth is exhausted with current traffic. If a call is accepted then it is guaranteed a high quality of service. Mauger continues on to explain that in the face of a call rejection the additional bandwidth can eventually be established only by using traditional traffic engineering principals to redimension the system.

Essentially, Mauger discloses a binary (go-no go) system. (Col. 5, l. 53-65). If the quality of service can not be guaranteed the call is rejected and mass calling events can be controlled by leaking away the excess demand. (Col. 6, l. 9-13). If quality of service can be guaranteed, then the call is transferred over an existing tunnel. Mauger does not teach that upon the receipt of a control input (i.e. a call) that a second policy is selected (i.e. a tunnel is created, deleted or configured) and the label switching network then operates using at least that second policy. Mauger does not teach a creation, deletion or configuration of a label switched path constituting a second “policy”.

As such, Mauger fails to teach all of the elements recited in independent claims 31 and 41, specifically, selecting a second policy based at least in part on the control

input, the second policy being different from the first policy and operating at least the portion of the label switching network based at least in part on the second policy.

However, in the interest of an efficient and robust prosecution, claims 31 and 41 have been amended to clarify the definition of the term “policy”, the support for which is found in ¶ 37 of the specification. It should be pointed out that claim 31 has been amended to recite that “a life cycle policy creates and deletes” while claim 41 recites that a “life cycle policy creates, deletes and configures”.

Therefore, since Mauger fails to disclose all of the claimed elements, amended independent claims 31 and 41 are allowable over Mauger for at least this reason. Claims 32-33, 35, 36 and 42 depend from one of allowable independent claims 31 or 41 and are allowable for at least the same reason.

### 103 Rejections

Claims 12-16 and 18-22 stand rejected under 35 USC 103(a) as being unpatentable over Kung (US Pat. 6,663,635) in view of Mauger. The Applicants respectfully traverse these rejections.

The Office Action asserts that Kung discloses all of the claim elements with the exception that Kung fails to teach an MPLS, disclosing an IP network instead. The Office Action proceeds to assert that Mauger cures the deficiency of Kung by disclosing an MPLS.

Amended claim 12 recites in pertinent part,

“[a] system for policy-based control of a label switching network...comprising:  
...a network administration system, the network administration system including a plurality of policies stored in a policy repository each policy of at least a subset of the plurality of policies controlling, at least in part, the operation of the label switching network wherein a policy is one of an admission policy and a life cycle policy wherein further an admission policy maps packet traffic flows onto one or more label switched paths within the label switching network and a life cycle policy creates, deletes and monitors the one or more label switched paths within the label switching network...”

The Kung reference is addressed to a system for providing multiple call waiting in a packetized system. However, Kung does not teach, disclose or suggest a network administrative system that includes a plurality of policies stored in a policy repository

each policy of at least a subset of the plurality of policies controlling, at least in part, the operation of the label switching network. Nor does it disclose that a policy is one of an admission policy and a life cycle policy wherein further an admission policy maps packet traffic flows onto one or more label switched paths within the label switching network and a life cycle policy creates, deletes and monitors the one or more label switched paths within the label switching network.

The Office Action equates the combination of the administration center **155**, the IP Central Station **200** and the Secure Management Data Network **190** to the recited network management system. However, Kung does not disclose, teach or suggest that any of its administration center **155**, the IP Central Station **200** and the Secure management Data Network **190** or combination thereof includes a plurality of policies stored in a policy repository each policy of at least a subset of the plurality of policies to control, at least in part, operation of the label switching network, where a policy is one of an admission policy and a life cycle policy wherein further an admission policy maps packet traffic flows onto one or more Label switched paths within the label switching network and a life cycle policy creates, deletes and monitors the one or more LSP' within the label switching network (Col. 5, l.55-Col. 6, l. 67). Therefore, Kung fails to disclose the asserted subject matter.

Further from the above discussion in regards to the §102 rejections, Mauger also fails to teach a policy as being one of an admission policy and a life cycle policy wherein further an admission policy maps packet traffic flows onto one or more Label switched paths within the label switching network and a life cycle policy creates, deletes, configures and monitors the one or more label switched paths within the label switching network. Mauger also fails to teach a plurality of policies stored in a policy repository, each policy of at least a subset of the plurality of policies to control at least in part operation of the label switching network. As such, it is evident that Mauger fails to teach the same recited subject matter recited in claim 12.

Therefore, no combination of Mauger and Kung teaches all the elements of claim 12 and as such, claim 12 is allowable over Kung in view of Mauger. Dependent claims 13-16 and 18-22 depend from allowable independent claim 12 are allowable for at least the same reasons.

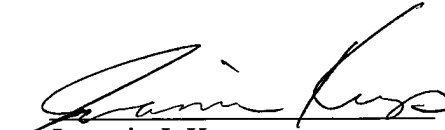
Conclusion

Applicants assert that the application including claims 12-16, 18-22, 31-36, 41 and 42 is now in condition for allowance. Applicants request reconsideration in view of the amendments and remarks above and further request that a Notice of Allowability be reinstated. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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